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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CATERPILLAR INC., a Delaware
Corporation,

Plaintiff,

v.

RENN TRANSPORTATION COMPANY,
a California General Partnership, Renn
Transportation, Inc., a California
Corporation, BRAD RENN, GERALD
RENN, and PATRICIA RENN, ANN
RENN and, ROBERT RENN, individuals,
and Does 1-10,

Defendants.

Case No. 5:06-CV-04529

**STIPULATION AND PROPOSED ORDER
FOR RELIEF FROM SCHEDULING
ORDER**

(Local Rule 16-2(D))

By signatures of their counsel to this Stipulation, the parties to this action stipulate that the deadlines set forth in this Court's March 23, 2007 Scheduling Order may be continued as set forth in the schedule below.

The parties desire to continue the dates set forth in the Scheduling Order for the following reasons:

1. On March 20, 2007, the parties conducted an all day mediation session before the Hon. Ellen Sickles James at JAMS. Although the March 20, 2007 mediation did not resolve the dispute, the parties agreed to reconvene for a second mediation session on May 3, 2007.

2. On May 3, 2007, the parties conducted a second all day mediation session before Judge James, at which the parties made progress in attempting to resolve this dispute. Since the May 3, 2007 mediation session, the parties have continued to communicate, through Judge James, about settling this case. Counsel for all parties desire to devote their time, energies, and resources to trying to resolve this matter, rather than expend resources conducting tasks necessary to comply with the rapidly approaching deadlines (including discovery, expert witness, and dispositive motion deadlines) set forth in the Court's March 23, 2007 Scheduling Order.

3. This Stipulation and Proposed Order is not interposed for purposes of delay but in the interests of justice and the resolution of the controversies herein.

Case Schedule

4. Counsel for all parties have conferred with respect to these matters, and all parties agree to continue the dates set forth in the Court's prior Schedule, resulting in the following Case Schedule:

Defendants' Response to Third Amended Complaint	June 5, 2007 (15 days from oral agreement of parties regarding stipulation)
Disclosure of Expert Witnesses	July 16, 2007 (continued from July 2, 2007)
Rebuttal Expert Witness Disclosures	August 6, 2007 (continued from July 23, 2007)
Last Day For Hearing On Objections To Qualifications Or Testimony Of Expert	September 10, 2007 (continued from August 27, 2007)

1	Close of All Discovery	September 17, 2007 (continued from September 3, 2007)
2		
3	Last Day For Hearing Dispositive Motions	October 22, 2007 (continued from October 8, 2007)
4		
5	Preliminary Pretrial Conference at 11:00 a.m.	December 17, 2007 (continued from December 3, 2007)
6		
7	Preliminary Pretrial Conference Statements	December 5, 2007 (continued from November 21, 2007)

Dated: May 21, 2007

FOLGER LEVIN & KAHN LLP

/s/ *Andrew J. Davis*
 Andrew J. Davis
 Attorneys for Defendants
 Renn Transportation Company, Renn Transportation,
 Inc. Brad Renn, Patricia Renn, Ann Renn and Robert
 Renn

Dated: May 21, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

/s/ *Randall G. Block*
 Randall G. Block
 Attorneys for Plaintiff Caterpillar, Inc.

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~~Proposed~~ **ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that the schedule set forth in this Stipulation and Proposed Order is hereby adopted by the Court and the parties are ordered to comply with this Order.

Dated: May 25, 2007


The Honorable James Ware

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